

§ 10345. Authorization of appropriations

There are authorized to be appropriated to the Director of the National Science Foundation, from sums otherwise authorized to be appropriated, \$2,500,000 for fiscal year 1993, for carrying out this chapter.

(Pub. L. 102-490, § 6, Oct. 24, 1992, 106 Stat. 3143.)

**CHAPTER 110—FAMILY VIOLENCE
PREVENTION AND SERVICES**

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 31 section 6703.

§ 10401. Declaration of purpose

It is the purpose of this chapter to—

(1) assist States in efforts to increase public awareness about and prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents; and

(2) provide for technical assistance and training relating to family violence programs to States, local public agencies (including law enforcement agencies, courts, legal, social service, and health care professionals), non-profit private organizations, and other persons seeking such assistance.

(Pub. L. 98-457, title III, § 302, Oct. 9, 1984, 98 Stat. 1757; Pub. L. 102-295, title III, § 302, May 28, 1992, 106 Stat. 201.)

AMENDMENTS

1992—Par. (1). Pub. L. 102-295, § 302(1)(A), which directed the substitution of "assist" for "demonstration the effectiveness of assisting", was executed by making the substitution for "demonstrate the effectiveness of assisting" to reflect the probable intent of Congress.

Pub. L. 102-295, § 302(1)(B), substituted "to increase public awareness about and prevent" for "to prevent".

Par. (2). Pub. L. 102-295, § 302(2), inserted "courts, legal, social service, and health care professionals" after "enforcement agencies".

SHORT TITLE

Section 301 of title III of Pub. L. 98-457 provided that: "This title [enacting this chapter] may be cited as the 'Family Violence Prevention and Services Act'."

§ 10402. State grants authorized**(a) Authority of Secretary; application; requirements; approval**

(1) In order to assist in supporting the establishment, maintenance, and expansion of pro-

grams and projects to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents, the Secretary is authorized, in accordance with the provisions of this chapter, to make grants to States.

(2) No grant may be made under this subsection unless the chief executive officer of the State seeking such grant submits an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each such application shall—

(A) provide that funds provided under this subsection will be distributed in grants to local public agencies and nonprofit private organizations (including religious and charitable organizations, and voluntary associations) for programs and projects within such State to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents in order to prevent future violent incidents;

(B) provide, with respect to funds provided to a State under this subsection for any fiscal year, that—

(i) not more than 5 percent of such funds will be used for State administrative costs; and

(ii) in the distribution of funds by the State under this subsection, the State will give special emphasis to the support of community-based projects of demonstrated effectiveness carried out by nonprofit private organizations, the primary purpose of which is to operate shelters for victims of family violence and their dependents, and those which provide counseling, advocacy, and self-help services to victims and their children.¹

(C) set forth procedures designed to involve State domestic violence coalitions² knowledgeable individuals² and interested organizations and assure an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State and a plan to address the needs of underserved populations, including populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation;

(D) specify the State agency to be designated as responsible for the administration of programs and activities relating to family violence which are carried out by the State under this chapter and for coordination of related programs within the State;

(E) provide documentation that procedures have been developed, and implemented including copies of the policies and procedure, to assure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services by any program assisted under this chapter and provide assurances that the address or location of any shelter-facility assisted under this chapter will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public;

(F) provide documentation to the Secretary that the State has a law or procedure that has been implemented for the eviction of an abusing spouse from a share household;

(G) meet such requirements as the Secretary reasonably determines are necessary to carry out the purposes and provisions of this chapter.

(3) The Secretary shall approve any application that meets the requirements of this subsection, and the Secretary shall not disapprove any such application except after reasonable notice of the Secretary's intention to disapprove and after a 6-month period providing an opportunity for correction of any deficiencies. The Secretary shall provide such notice within 45 days of the date of the application if any of the provisions of paragraph (2) have not been satisfied in such application. If the State has not corrected the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice of intention to disapprove, the Secretary shall withhold payment of any grant funds to such State until the date that is 30 days prior to the end of the fiscal year for which such grant funds are appropriated or until such time as the State provides documentation that the deficiencies have been corrected, whichever occurs first. State Domestic Violence Coalitions shall be permitted to participate in determining whether a grantee is in compliance with paragraph (2), except that no funds made available to State Domestic Violence Coalitions under section 10410 of this title shall be used to challenge a determination as to whether a grantee is in compliance with, or to seek the enforcement of, the eligibility requirements of such paragraph.

(4) Upon completion of the activities funded by a grant under this subpart,³ the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart.³ A section of this performance report shall be completed by each grantee or subgrantee that performed the direct services contemplated in the application certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if the funds are expended for purposes other than those set forth under this subpart,³ after following the procedures set forth in paragraph (3). Federal funds may be used only to supplement, not supplant, State funds.

(b) Indian tribes and tribal organizations; application

(1) The Secretary, from amounts appropriated to carry out this section, shall make available not less than 10 percent of such amounts to make grants to Indian tribes, tribal organizations⁴ and nonprofit private organizations approved by an Indian Tribe⁵ for the operation of a family violence shelter on a Reservation⁵ for projects designed to prevent family violence and

¹ So in original. The period probably should be a semicolon.

² So in original. Probably should be followed by a comma.

³ See References in Text note below.

⁴ So in original. Probably should be followed by a comma.

⁵ So in original. Probably should not be capitalized.

to provide immediate shelter and related assistance for victims of family violence and their dependents.

(2) No grant may be made under this subsection unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems essential to carry out the purposes and provisions of this chapter. Such application shall comply, as applicable, with the provisions of clauses (C) (with respect only to involving knowledgeable individuals and organizations), (D), (E) and (F) of subsection (a)(2) of this section. No entity eligible to submit an application under paragraph (1) shall be prohibited from making an application during any fiscal year for which funds are available because such entity has not previously applied or received funding under this section.

(3) In the case of a project for which the initial application for a demonstration grant under this subsection is made on or after May 28, 1992, the terms “Indian tribe” and “tribal organization”, for purposes of this subsection, have the meaning given such terms in section 450b of title 25.

(c) Direct payments to victims or dependents

No funds provided through demonstration grants made under this section may be used as direct payment to any victim of family violence or to any dependent of such victim.

(d) Income eligibility standards

No income eligibility standard may be imposed upon individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out this chapter.

(e) Grants to entities other than States; local share

No grant may be made under this section to any entity other than a State or an Indian Tribe⁵ unless the entity provides for the following non-Federal matching local share as a proportion of the total amount of funds provided under this chapter to the project involved: with respect to an entity operating an existing program under this chapter, not less than 20 percent, and with respect to an entity intending to operate a new program under this chapter, not less than 35 percent. The local share required under this subsection may be in cash or in-kind. The local share may not include any Federal funds provided under any authority other than this chapter.

(f) Shelter and related assistance

The Secretary shall assure that not less than 70 percent of the funds distributed under subsection (a) or (b) of this section shall be distributed to entities for the purpose of providing immediate shelter and related assistance to victims of family violence and their dependents as defined in section 10408(4) of this title. Not less than 25 percent of the funds distributed under subsection (a) or (b) of this section shall be distributed for the purpose of providing related assistance as defined under section 10408(5)(A) of this title.

(Pub. L. 98-457, title III, §303, Oct. 9, 1984, 98 Stat. 1757; Pub. L. 100-294, title III, §302, Apr. 25, 1988, 102 Stat. 124; Pub. L. 102-295, title III,

§§303-309(a), 310, 311(a), May 28, 1992, 106 Stat. 201-203; Pub. L. 103-322, title IV, §40271, Sept. 13, 1994, 108 Stat. 1937; Pub. L. 104-235, title II, §201, Oct. 3, 1996, 110 Stat. 3089.)

REFERENCES IN TEXT

This subpart, referred to in subsec. (a)(4), is unidentifiable in the original because title III of Pub. L. 98-457 does not contain subparts.

CODIFICATION

May 28, 1992, referred to in subsec. (b)(3), was in the original “the date of the enactment of the Child Abuse Programs, Adoption Opportunities, and Family Violence Prevention Amendments Act of 1992”, which was translated as meaning the date of enactment of Pub. L. 102-295, known as the Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992, which enacted subsec. (b)(3), to reflect the probable intent of Congress.

AMENDMENTS

1996—Subsec. (e). Pub. L. 104-235 substituted “following non-Federal matching local share” for “following local share” and “with respect to an entity operating an existing program under this chapter, not less than 20 percent, and with respect to an entity intending to operate a new program under this chapter, not less than 35 percent” for “20 percent in the first year such project receives a grant under this chapter, 35 percent in the second such year, and 50 percent in the third such year and in any such year thereafter. Except in the case of a public entity, not less than 25 percent of the local share of such agency or organization shall be raised from private sources”.

1994—Subsec. (a)(2)(C). Pub. L. 103-322, §40271(a), inserted “and a plan to address the needs of underserved populations, including populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation” after “such State”.

Subsec. (a)(4). Pub. L. 103-322, §40271(b), added par. (4). 1992—Subsec. (a)(1). Pub. L. 102-295, §303(1), substituted “grants” for “demonstration grants”.

Subsec. (a)(2). Pub. L. 102-295, §303(2)(A), in introductory provisions substituted “grant” for “demonstration grant” after “No”.

Subsec. (a)(2)(A). Pub. L. 102-295, §303(2)(B), which directed the substitution of “grant” for “demonstration grant” was executed by substituting “grants” for “demonstration grants”, to reflect the probable intent of Congress.

Subsec. (a)(2)(B)(ii). Pub. L. 102-295, §303(2)(C), substituted “the primary purpose of which is to operate shelters for victims of family violence and their dependents, and those which provide counseling, advocacy, and self-help services to victims and their children.” for “particularly those projects the primary purpose of which is to operate shelters for victims of family violence and their dependents, and those which provide counseling, alcohol and drug abuse treatment, and self-help services to abusers and victims;”.

Subsec. (a)(2)(C). Pub. L. 102-295, §304, inserted “State domestic violence coalitions” after “involve”.

Subsec. (a)(2)(E). Pub. L. 102-295, §305, substituted “documentation that procedures have been developed, and implemented including copies of the policies and procedure,” for “assurances that procedures will be developed”.

Subsec. (a)(2)(F). Pub. L. 102-295, §306, amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: “provide assurances that, within one year after receipt of funds under this subsection, the State will, provide assurances to the Secretary that the State has or has under consideration a procedure for the eviction of an abusing spouse from a shared residence; and”.

Subsec. (a)(3). Pub. L. 102-295, §307, inserted “a 6-month period providing an” before “opportunity” and inserted at end “The Secretary shall provide such no-

tice within 45 days of the date of the application if any of the provisions of paragraph (2) have not been satisfied in such application. If the State has not corrected the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice of intention to disapprove, the Secretary shall withhold payment of any grant funds to such State until the date that is 30 days prior to the end of the fiscal year for which such grant funds are appropriated or until such time as the State provides documentation that the deficiencies have been corrected, whichever occurs first. State Domestic Violence Coalitions shall be permitted to participate in determining whether a grantee is in compliance with paragraph (2), except that no funds made available to State Domestic Violence Coalitions under section 10410 of this title shall be used to challenge a determination as to whether a grantee is in compliance with, or to seek the enforcement of, the eligibility requirements of such paragraph."

Subsec. (b)(1). Pub. L. 102-295, §308(1), substituted "The Secretary, from amounts appropriated to carry out this section, shall make available not less than 10 percent of such amounts to make grants to Indian tribes, tribal organizations and nonprofit private organizations approved by an Indian Tribe for the operation of a family violence shelter on a Reservation" for "The Secretary is authorized to make demonstration grants to Indian tribes and tribal organizations".

Subsec. (b)(2). Pub. L. 102-295, §308(2), substituted "grant" for "demonstration grant" and "(E) and (F)" for "and (E)" and inserted at end "No entity eligible to submit an application under paragraph (1) shall be prohibited from making an application during any fiscal year for which funds are available because such entity has not previously applied or received funding under this section."

Subsec. (b)(3). Pub. L. 102-295, §308(3), added par. (3).

Subsec. (c). Pub. L. 102-295, §309(a), redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: "No demonstration grant may be made under this section in any fiscal year to any single entity (other than to a State) for an amount in excess of \$50,000, and the total amount of such grants to any such single entity may not exceed \$150,000."

Subsec. (d). Pub. L. 102-295, §309(a)(2), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Subsec. (e). Pub. L. 102-295, §§309(a)(2), 310, redesignated subsec. (f) as (e) and substituted "No grant" for "No demonstration grant", "State or an Indian Tribe" for "State", "20 percent" for "35 percent", "35 percent" for "55 percent", "and 50 percent in the third such year and in any such year thereafter" for "and 65 percent in the third such year", and "25 percent" for "50 percent". Former subsec. (e) redesignated (d).

Subsecs. (f), (g). Pub. L. 102-295, §§309(a)(2), 311(a), redesignated subsec. (g) as (f), substituted "70 percent" for "60 percent", and inserted before period "as defined in section 10408(4) of this title. Not less than 25 percent of the funds distributed under subsection (a) or (b) of this section shall be distributed for the purpose of providing related assistance as defined under section 10408(5)(A) of this title". Former subsec. (f) redesignated (e).

1988—Subsec. (c). Pub. L. 100-294 struck out provision that a single entity not be awarded demonstration grants under this section for a total period in excess of three fiscal years.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 309(b) of Pub. L. 102-295 provided that: "The amendments made by subsection (a) [amending this section] are effective in the case of amounts appropriated for fiscal year 1992 and subsequent fiscal years."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10403, 10405, 10409, 10410, 10412 of this title.

§ 10403. Allotment of funds

(a) Proportionality of allotment; minimum allotment

From the sums appropriated under section 10409 of this title for grants to States for any fiscal year, each State shall be allotted for payment in a grant authorized under section 10402(a) of this title an amount which bears the same ratio to such sums as the population of such State bears to the population of all States, except that—

(1) each State shall be allotted not less than 1 percent of the amounts available for grants under section 10402(a) of this title for the fiscal year for which the allotment is made, or \$400,000, whichever is the lesser¹ amount; and

(2) Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall each be allotted not less than one-eighth of 1 percent of the amounts available for grants under section 10402(a) of this title for the fiscal year for which the allotment is made.

For the purpose of the exception contained in clause (1) of the preceding sentence only, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(b) Determination of population of States

For the purpose of this section, the population of each State, and the total population of all the States, shall be determined by the Secretary on the basis of the most recent census data available to the Secretary, and the Secretary shall use for such purpose, if available, the annual interim current census data produced by the Secretary of Commerce pursuant to section 181 of title 13.

(c) Ratable reduction of amounts; increase on availability of additional funds

If the sums appropriated under section 10409 of this title for any fiscal year for grants to States authorized under section 10402(a) of this title are not sufficient to pay in full the total amounts which all States are entitled to receive under such section for such fiscal year, then the maximum amounts which all States are entitled to receive under such section for such fiscal year shall be ratably reduced. In the event that additional funds become available for making such grants for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

(d) Reallotment; continued availability of funds

(1) If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 10409 of this title, the amount allotted to a State has not been made available to such State in grants under section 10402(a) of this title because of the failure of such State to meet the requirements for a grant, then the Secretary shall reallot such amount to States which meet such requirements.

(2) Funds made available by the Secretary through reallotment under paragraph (1) shall

¹ So in original. Probably should be "lesser".

remain available for expenditure until the end of the fiscal year following the fiscal year in which such funds become available for reallocation.

(Pub. L. 98-457, title III, §304, Oct. 9, 1984, 98 Stat. 1759; Pub. L. 102-295, title III, §312, May 28, 1992, 106 Stat. 204; Pub. L. 104-208, div. A, title I, §101(e) [title II, §213], Sept. 30, 1996, 110 Stat. 3009-233, 3009-254; Pub. L. 104-235, title II, §202, Oct. 3, 1996, 110 Stat. 3089.)

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104-208 and Pub. L. 104-235 amended par. (1) identically, substituting “\$400,000” for “\$200,000”.

1992—Subsec. (a)(1). Pub. L. 102-295 struck out “whichever is the greater of the following amounts: one-half of” before “1 percent” and substituted “\$200,000, whichever is the lesser amount” for “\$50,000”.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 10404. Secretarial responsibilities

(a) The Secretary shall appoint an employee of the Department of Health and Human Services to carry out the provisions of this chapter. The individual appointed under this subsection shall, prior to such appointment, have had expertise in the field of family violence prevention and services.

(b) The Secretary shall—

(1) coordinate all programs within the Department of Health and Human Services, and seek to coordinate all other Federal programs, which involve the prevention of incidents of family violence and the provision of assistance for victims and potential victims of family violence and their dependents, and ensure that such activities as they relate to elderly persons are coordinated with the Administration on Aging and the National Institute on Aging within the Department of Health and Human Services;

(2)(A) provide for research, and into the most effective prevention, identification, and treatment thereof (such as research into (i) the effectiveness of reducing repeated incidents of family violence through a variety of sentencing alternatives, such as incarceration, fines, and counseling programs, individually or in combination, and through the use of civil protection orders removing the abuser from the family household, (ii) the necessity and impact of a mandatory reporting requirement relating to incidents of family violence, particularly abuse of elderly persons), (iii) the effectiveness of providing safety and support to maternal and child victims of family violence as a way to eliminate the abuse experienced by children in such situations, (iv) identification of intervention approaches to child abuse prevention services which appear to be successful in preventing child abuse where both mother and child are abused, (v) effective and appropriate treatment services for children where both mother and child are abused, and (vi) the individual and situational factors leading to the end of violent and abusive be-

havior by persons who commit acts of family violence, including such factors as history of previous violence and the legal and service interventions received, and (B) make a complete study and investigation (in consultation with the National Institute on Aging) of the national incidence of abuse, neglect, and exploitation of elderly persons, including a determination of the extent to which incidents of such abuse, neglect, and exploitation are increasing in number or severity; and

(3) provide for the training of personnel and provide technical assistance in the conduct of programs for the prevention and treatment of family violence.

(Pub. L. 98-457, title III, §305, Oct. 9, 1984, 98 Stat. 1760; Pub. L. 102-295, title III, §313, May 28, 1992, 106 Stat. 204.)

AMENDMENTS

1992—Subsec. (b)(2)(A). Pub. L. 102-295 struck out “into the causes of family violence” after “provide for research”, inserted “most effective” before “prevention”, and added cls. (iii) to (vi).

§ 10405. Evaluation

Not later than two years after the date on which funds are obligated under section 10402(a) of this title for the first time after October 9, 1984, and every two years thereafter, the Secretary shall review, evaluate, and report to the appropriate Committees of the Congress, as to the effectiveness of the programs administered and operated pursuant to this chapter, particularly in relation to repeated incidents of family violence. Such report shall also include a summary of the documentation provided to the Secretary under section 10402(a)(2)(B) through 10402(a)(2)(F) of this title.

(Pub. L. 98-457, title III, §306, Oct. 9, 1984, 98 Stat. 1760; Pub. L. 102-295, title III, §314, May 28, 1992, 106 Stat. 204.)

AMENDMENTS

1992—Pub. L. 102-295 inserted “and every two years thereafter,” and substituted “documentation” for “assurances” and “10402(a)(2)(B) through 10402(a)(2)(F)” for “10402(a)(2)(F)”.

§ 10406. Discrimination prohibited

(a) Recipients of Federal financial assistance; types of discrimination prohibited

(1) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], on the basis of handicap under section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], on the basis of sex under title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], programs and activities funded in whole or in part with funds made available under this part¹ are considered to be programs and activities receiving Federal financial assistance.

(2) No person shall on the ground of sex or religion be excluded from participation in, be de-

¹ See References in Text note below.

nied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available under this chapter. Nothing in this chapter shall require any such program or activity to include any individual in any program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programmatic factor reasonably necessary to the normal operation of that particular program or activity. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964 [42 U.S.C. 2000d-1]. Section 603 of such Act [42 U.S.C. 2000d-2] shall apply with respect to any action taken by the Secretary to enforce such sentence. This paragraph shall not be construed as affecting any other legal remedy.

(b) Notification and request to secure compliance; referral to Attorney General or other action by Secretary

Whenever the Secretary finds that a State or other entity that has received financial assistance under this chapter has failed to comply with a provision of law referred to in subsection (a)(1) of this section, with subsection (a)(2) of this section, or with an applicable regulation (including one prescribed to carry out subsection (a)(2) of this section), the Secretary shall notify the chief executive officer of the State and shall request such officer to secure compliance. If, within a reasonable period of time, not to exceed sixty days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

(1) refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted,

(2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], sections 504 and 505 of the Rehabilitation Act of 1973 [29 U.S.C. 794, 794a], or title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], as may be applicable, or

(3) take such other action as may be provided by law.

(c) Civil action by Attorney General

When a matter is referred to the Attorney General pursuant to subsection (b)(1) of this section, or whenever the Attorney General has reason to believe that a State or an entity is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) of this section or in violation of subsection (a)(2) of this section, the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(Pub. L. 98-457, title III, §307, Oct. 9, 1984, 98 Stat. 1761.)

REFERENCES IN TEXT

The Age Discrimination Act of 1975, referred to in subsecs. (a)(1), (b)(2), is title III of Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 728, as amended, which is classified generally to chapter 76 (§6101 et seq.) of this title. For complete classification of this Act to the Code, see

Short Title note set out under section 6101 of this title and Tables.

The Education Amendments of 1972, referred to in subsecs. (a)(1), (b)(2), is Pub. L. 92-318, June 23, 1972, 86 Stat. 235, as amended. Title IX of the Education Amendments of 1972 is classified principally to chapter 38 (§1681 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

The Civil Rights Act of 1964, referred to in subsecs. (a)(1), (b)(2), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (§2000d et seq.) of this title. For complete classification of this Act to the Code, see note set out under section 2000a of this title and Tables.

This part, referred to in subsec. (a)(1), probably was intended to be a reference to this title, meaning title III of Pub. L. 98-457 which enacted this chapter, because title III was not divided into parts and because similar references to programs or activities funded in whole or in part with funds made available, referred to "this title".

§ 10407. Information and technical assistance centers

(a) Purpose and grants

(1) Purpose

It is the purpose of this section to provide resource information, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to local domestic violence programs and to other professionals who provide services to victims of domestic violence.

(2) Grants

From the amounts appropriated under this chapter, the Secretary shall award grants to private nonprofit organizations for the establishment and maintenance of one national resource center (as provided for in subsection (b) of this section) and not to exceed seven special issue resource centers (as provided for in subsection (c) of this section) focusing on one or more issues of concern to domestic violence victims.

(b) National resource center

The national resource center established under subsection (a)(2) of this section shall offer resource, policy and training assistance to Federal, State, and local government agencies, to domestic violence service providers, and to other professionals and interested parties on issues pertaining to domestic violence, and shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance.

(c) Special issue resource centers

The special issue resource centers established under subsection (a)(2) of this section shall provide information, training and technical assistance to State and local domestic violence service providers, and shall specialize in at least one of the following areas of domestic violence service, prevention, or law:

(1) Criminal justice response to domestic violence, including court-mandated abuser treatment.

(2) Improving the response of Child Protective Service agencies to battered mothers of abused children.

(3) Child custody issues in domestic violence cases.

(4) The use of the self-defense plea by domestic violence victims.

(5) Improving interdisciplinary health care responses and access to health care resources for victims of domestic violence.

(6) Improving access to and the quality of legal representation for victims of domestic violence in civil litigation, including the issuance and enforcement of protection orders.

(7) Providing technical assistance and training to State domestic violence coalitions.

(d) Eligibility

To be eligible to receive a grant under this section an entity shall be a private nonprofit organization that—

(1) focuses primarily on domestic violence;

(2) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, particularly in the specific subject area for which it is applying;

(3) include on its advisory boards representatives from domestic violence programs in the region who are geographically and culturally diverse; and

(4) demonstrate the strong support of domestic violence advocates from across the country and the region for their designation as the national or a special issue resource center.

(e) Reporting

Not later than 6 months after receiving a grant under this section, a grantee shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grant by such grantee and containing such additional information as the Secretary may prescribe.

(f) "Indian tribal agency" defined

For purposes of this section, the term "Indian tribal agency" means an Indian tribe or tribal organization, as defined in section 450b of title 25.

(g) Regulations

Not later than 90 days after May 28, 1992, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after May 28, 1992, the Secretary shall publish final regulations.

(Pub. L. 98-457, title III, §308, Oct. 9, 1984, 98 Stat. 1761; Pub. L. 102-295, title III, §315, May 28, 1992, 106 Stat. 204; Pub. L. 103-322, title IV, §40272(b), Sept. 13, 1994, 108 Stat. 1937.)

CODIFICATION

May 28, 1992, referred to in subsec. (g), was in the original "the date of enactment of this section" and "such date of enactment", which were translated as meaning the date of enactment of Pub. L. 102-295, which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

1994—Subsec. (a)(2). Pub. L. 103-322, §40272(b)(1), substituted "seven" for "six" before "special issue resource centers".

Subsec. (c)(6). Pub. L. 103-322, §40272(b)(2)(A), inserted before period at end "including the issuance and enforcement of protection orders".

Subsec. (c)(7). Pub. L. 103-322, §40272(b)(2)(B), added par. (7).

1992—Pub. L. 102-295 amended section generally, substituting provisions relating to information and technical assistance centers for provisions relating to operation of national information and research clearinghouse on prevention of family violence.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10409, 10412 of this title.

§ 10408. Definitions

As used in this chapter:

(1) The term "family violence" means any act or threatened act of violence, including any forceful detention of an individual, which—

(A) results or threatens to result in physical injury; and

(B) is committed by a person against another individual (including an elderly person) to whom such person is or was related by blood or marriage or otherwise legally related or with whom such person is or was lawfully residing.

(2) The terms "Indian tribe" and "tribal organization" have the same meanings given such terms in subsections (b) and (c), respectively, of section 450b¹ of title 25.

(3) The terms² "Secretary" means the Secretary of Health and Human Services.

(4) The terms² "shelter" means the provision of temporary refuge and related assistance in compliance with applicable State law and regulation governing the provision, on a regular basis, of shelter, safe homes, meals, and related assistance to victims of family violence and their dependents.

(5) The term "related assistance" means the provision of direct assistance to victims of family violence and their dependents for the purpose of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of the violence. Related assistance shall include—

(A) prevention services such as outreach and prevention services for victims and their children, employment training, parenting and other educational services for victims and their children, preventive health services within domestic violence programs (including nutrition, disease prevention, exercise, and prevention of substance abuse), domestic violence prevention programs for school age children, family violence public awareness campaigns, and violence prevention counseling services to abusers;

(B) counseling with respect to family violence, counseling or other supportive services by peers individually or in groups, and referral to community social services;

¹ See References in Text note below.

² So in original. Probably should be "term".

(C) transportation, technical assistance with respect to obtaining financial assistance under Federal and State programs, and referrals for appropriate health-care services (including alcohol and drug abuse treatment), but shall not include reimbursement for any health-care services;

(D) legal advocacy to provide victims with information and assistance through the civil and criminal courts, and legal assistance; or

(E) children's counseling and support services, and child care services for children who are victims of family violence or the dependents of such victims.

(6) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, except as otherwise provided, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(Pub. L. 98-457, title III, §309, Oct. 9, 1984, 98 Stat. 1762; Pub. L. 102-295, title III, §311(b), May 28, 1992, 106 Stat. 203; Pub. L. 103-322, title IV, §40272(a), Sept. 13, 1994, 108 Stat. 1937.)

REFERENCES IN TEXT

Section 450b of title 25, referred to in par. (2), has been amended, and subsecs. (b) and (c) of section 450b no longer define the terms "Indian tribe" and "tribal organization". However, such terms are defined elsewhere in that section.

AMENDMENTS

1994—Par. (5)(B). Pub. L. 103-322 inserted "or other supportive services" before "by peers".

1992—Par. (5). Pub. L. 102-295 amended par. (5) generally. Prior to amendment, par. (5) read as follows: "The term 'related assistance'—

"(A) includes counseling and self-help services to abusers, victims, and dependents in family violence situations (which shall include counseling of all family members to the extent feasible) and referrals for appropriate health-care services (including alcohol and drug abuse treatment), and

"(B) may include food, clothing, child care, transportation, and emergency services (but not reimbursement for any health-care services) for victims of family violence and their dependents."

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10402 of this title.

§ 10409. Authorization of appropriations

(a) In general

There are authorized to be appropriated to carry out this chapter—

- (1) \$50,000,000 for fiscal year 1996;
- (2) \$60,000,000 for fiscal year 1997;
- (3) \$70,000,000 for fiscal year 1998;
- (4) \$72,500,000 for fiscal year 1999; and
- (5) \$72,500,000 for fiscal year 2000.

(b) Section 10402(a) and (b)

Of the amounts appropriated under subsection (a) of this section for each fiscal year, not less

than 70 percent shall be used for making grants under subsection 10402(a) of this title, and not less than 10 percent shall be used for the purpose of carrying out section 10402(b) of this title.

(c) Section 10407

Of the amounts appropriated under subsection (a) of this section for each fiscal year, 5 percent shall be used by the Secretary for making grants under section 10407 of this title.

(d) Grants for State coalitions

Of the amounts appropriated under subsection (a) of this section for each fiscal year, not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 10410 of this title.

(e) Non-supplanting requirement

Federal funds made available to a State under this chapter shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the purposes of this chapter.

(Pub. L. 98-457, title III, §310, Oct. 9, 1984, 98 Stat. 1763; Pub. L. 100-294, title III, §301, Apr. 25, 1988, 102 Stat. 124; Pub. L. 102-295, title III, §316, May 28, 1992, 106 Stat. 206; Pub. L. 103-322, title IV, §40241, Sept. 13, 1994, 108 Stat. 1934; Pub. L. 104-235, title II, §203, Oct. 3, 1996, 110 Stat. 3089.)

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-235, §203(1), substituted "70 percent" for "80 percent".

Subsecs. (d), (e). Pub. L. 104-235, §203(2), added subsecs. (d) and (e).

1994—Subsec. (a). Pub. L. 103-322 amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: "There are authorized to be appropriated to carry out the provisions of sections 10402 through 10408 of this title and section 10413 of this title, \$60,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995."

1992—Pub. L. 102-295 amended section generally. Prior to amendment, section read as follows:

"(a) There are authorized to be appropriated to carry out the provisions of this chapter \$11,000,000 for fiscal year 1985, \$26,000,000 for each of the fiscal years 1986 and 1987, \$26,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991.

"(b) Of the sums appropriated under subsection (a) of this section for any fiscal year, not less than 85 percent shall be used by the Secretary for making grants under section 10402 of this title.

"(c) The Secretary shall ensure that funds appropriated pursuant to authorizations in this chapter shall remain available until expended for the purposes for which they were appropriated."

1988—Subsec. (a). Pub. L. 100-294, §301(a), substituted "1985," for "1985 and" and inserted ", \$26,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991" after "1987" before period at end.

Subsec. (c). Pub. L. 100-294, §301(b), added subsec. (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10403, 10415 of this title.

§ 10410. Grants for State domestic violence coalitions

(a) In general

The Secretary shall award grants for the funding of State domestic violence coalitions. Such

coalitions shall further the purposes of domestic violence intervention and prevention through activities, including—

(1) working with local domestic violence programs and providers of direct services to encourage appropriate responses to domestic violence within the State, including—

(A) training and technical assistance for local programs and professionals working with victims of domestic violence;

(B) planning and conducting State needs assessments and planning for comprehensive services;

(C) serving as an information clearinghouse and resource center for the State; and

(D) collaborating with other governmental systems which affect battered women;

(2) working with judicial and law enforcement agencies to encourage appropriate responses to domestic violence cases and examine issues including—

(A) the inappropriateness of mutual protection orders;

(B) the prohibition of mediation when domestic violence is involved;

(C) the use of mandatory arrests of accused offenders;

(D) the discouragement of dual arrests;

(E) the adoption of aggressive and vertical prosecution policies and procedures;

(F) the use of mandatory requirements for presentence investigations;

(G) the length of time taken to prosecute cases or reach plea agreements;

(H) the use of plea agreements;

(I) the consistency of sentencing, including comparisons of domestic violence crimes with other violent crimes;

(J) the restitution of victims;

(K) the use of training and technical assistance to law enforcement, judges, court officers and other criminal justice professionals;¹

(L) the reporting practices of, and significance to be accorded to, prior convictions (both felony and misdemeanor) and protection orders;

(M) the use of interstate extradition in cases of domestic violence crimes;

(N) the use of statewide and regional planning; and

(O) any other matters as the Secretary and the State domestic violence coalitions believe merit investigations;

(3) work with family law judges,¹ criminal court judges, Child Protective Services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in domestic violence cases as well as cases where domestic violence and child abuse are both present, including—

(A) the inappropriateness of mutual protection orders;

(B) the prohibition of mediation where domestic violence is involved;

(C) the inappropriate use of marital or conjoint counseling in domestic violence cases;

(D) the use of training and technical assistance for family law judges, criminal court judges, and court personnel;

(E) the presumption of custody to domestic violence victims;

(F) the use of comprehensive protection orders to grant fullest protections possible to victims of domestic violence, including temporary custody support and maintenance;

(G) the development by Child Protective Service of supportive responses that enable victims to protect their children;

(H) the implementation of supervised visitations or denial of visitation to protect against danger to victims or their children; and

(I) the possibility of permitting domestic violence victims to remove children from the State when the safety of the children or the victim is at risk;

(4) conduct public education campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence, including information aimed at underserved racial, ethnic or language-minority populations; and

(5) participate in planning and monitoring of the distribution of grants and grant funds to their State under section 10402(a) of this title.

(b) Eligibility

To be eligible for a grant under this section, an entity shall be a statewide nonprofit State domestic violence coalition meeting the following conditions:

(1) The membership of the coalition includes representatives from a majority of the programs for victims of domestic violence in the State.

(2) The board membership of the coalition is representative of such programs.

(3) The purpose of the coalition is to provide services, community education, and technical assistance to such programs to establish and maintain shelter and related services for victims of domestic violence and their children.

(4) In the application submitted by the coalition for the grant, the coalition provides assurances satisfactory to the Secretary that the coalition—

(A) has actively sought and encouraged the participation of law enforcement agencies and other legal or judicial entities in the preparation of the application; and

(B) will actively seek and encourage the participation of such entities in the activities carried out with the grant.

(c) Allotment of funds

From amounts appropriated under this section for each fiscal year, the Secretary shall allot to each State, the District of Columbia, the Commonwealth of Puerto Rico, and the combined U.S. Territories an amount equal to $\frac{1}{53}$ of the amount appropriated for such fiscal year. For purposes of this section, the term "combined

¹ So in original.

U.S. Territories” means Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands and shall not receive less than 1.5 percent of the funds appropriated for each fiscal year.

(d) Prohibition on lobbying

No funds made available to entities under this section shall be used, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State or local agency, or to undertake to influence the passage or defeat of any legislation by Congress, or by any State or local legislative body, or State proposals by initiative petition, except that the representatives of the entity may testify or make other appropriate communication—

(1) when formally requested to do so by a legislative body, a committee, or a member thereof; or

(2) in connection with legislation or appropriations directly affecting the activities of the entity.

(e) Reporting

Each State domestic violence coalition receiving amounts under this section shall submit a report to the Secretary describing the coordination, training and technical assistance and public education services performed with such amounts and evaluating the effectiveness of those services.

(f) Definition

For purposes of this section, a State domestic violence coalition may include representatives of Indian tribes and tribal organizations, as defined in section 450b of title 25.

(g) Authorization of appropriations

There are authorized to be appropriated to be used to award grants under this section \$8,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

(h) Regulations

Not later than 90 days after May 28, 1992, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after May 28, 1992, the Secretary shall publish final regulations implementing this section.

(Pub. L. 98-457, title III, §311, Oct. 9, 1984, 98 Stat. 1763; Pub. L. 100-294, title III, §303(b), Apr. 25, 1988, 102 Stat. 125; Pub. L. 102-295, title III, §317, May 28, 1992, 106 Stat. 206; Pub. L. 103-322, title IV, §40272(c), Sept. 13, 1994, 108 Stat. 1938.)

CODIFICATION

May 28, 1992, referred to in subsec. (h), was in the original “the date of enactment of this section” and “such date of enactment”, which were translated as meaning the date of enactment of Pub. L. 102-295, which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103-322, §40272(c)(2), added par. (1). Former par. (1) redesignated (2).

Subsec. (a)(2). Pub. L. 103-322, §40272(c)(1), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Subsec. (a)(2)(K). Pub. L. 103-322, §40272(c)(3), substituted “, judges, court officers and other criminal justice professionals,” for “and court officials and other professionals”.

Subsec. (a)(3). Pub. L. 103-322, §40272(c)(1), (4)(A), redesignated par. (2) as (3) and inserted “, criminal court judges,” after “family law judges,” in introductory provisions. Former par. (3) redesignated (4).

Subsec. (a)(3)(D). Pub. L. 103-322, §40272(c)(4)(A), which directed the amendment of par. (3) “by inserting ‘, criminal court judges,’ after ‘family law judges,’ each place it appears”, was executed by making the insertion after “family law judges” in subpar. (D) to reflect the probable intent of Congress.

Subsec. (a)(3)(F). Pub. L. 103-322, §40272(c)(4)(B), substituted “temporary custody support” for “temporary support”.

Subsec. (a)(3)(H). Pub. L. 103-322, §40272(c)(4)(C), which directed the substitution of “supervised visitations or denial of visitation to protect against danger to victims or their children” for “supervised visitations that do not endanger victims and their children,” was executed by making the substitution for “supervised visitations that do not endanger victims and their children” to reflect the probable intent of Congress.

Subsec. (a)(4). Pub. L. 103-322, §40272(c)(1), (5), redesignated par. (3) as (4) and inserted before semicolon “, including information aimed at underserved racial, ethnic or language-minority populations”. Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 103-322, §40272(c)(1), redesignated par. (4) as (5).

1992—Pub. L. 102-295 amended section generally, substituting provisions relating to grants for State domestic violence coalitions for provisions relating to law enforcement training and technical assistance grants and contracts.

1988—Subsec. (b)(2). Pub. L. 100-294 added par. (2).

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10402, 10409, 13951 of this title.

§ 10411. Repealed. Pub. L. 100-294, title III, § 303(a), Apr. 25, 1988, 102 Stat. 124

Section, Pub. L. 98-457, title III, §312, Oct. 9, 1984, 98 Stat. 1763, related to authority of Secretary to carry out provisions of this chapter, competitive awarding of grants and contracts, and delegation of authority and transfer of funds to Attorney General. See sections 10412(a) and 10410(b), (c) of this title.

§ 10412. Authority of Secretary; construction with State and local law

(a) In order to carry out the provisions of this chapter, the Secretary is authorized to—

(1) appoint and fix the compensation of such personnel as are necessary;

(2) procure, to the extent authorized by section 3109 of title 5, such temporary and intermittent services of experts and consultants as are necessary;

(3) make grants to public and nonprofit private entities or enter into contracts with public or private entities; and

(4) prescribe such regulations as are reasonably necessary in order to carry out the purposes and provisions of this chapter.

Not later than 90 days after May 28, 1992, the Secretary shall publish proposed regulations im-

plementing sections 10402, 10407, and 10414 of this title. Not later than 120 days after May 28, 1992, the Secretary shall publish final regulations implementing such sections.

(b) Nothing in this chapter shall be construed to supersede the application of State or local requirements for the reporting of incidents of suspected child abuse to the appropriate State authorities.

(Pub. L. 98-457, title III, §312, Oct. 9, 1984, 98 Stat. 1764; Pub. L. 102-295, title III, §318, May 28, 1992, 106 Stat. 208.)

CODIFICATION

Another section 312 of Pub. L. 98-457, which was classified to section 10411 of this title, was repealed by section 303(a) of Pub. L. 100-294.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-295 inserted at end “Not later than 90 days after May 28, 1992, the Secretary shall publish proposed regulations implementing sections 10402, 10407, and 10414 of this title. Not later than 120 days after May 28, 1992, the Secretary shall publish final regulations implementing such sections.”

§ 10413. Family member abuse information and documentation project

The Secretary shall, directly or by grant or contract—

(1) develop data on the individual develop data on the number of victims of family violence and their dependents who are homeless or institutionalized as a result of the violence and abuse they have experienced;

(2) provide for the objective documentation of data on the victims of family violence and their dependents based on injuries that are brought to the attention of domestic violence shelter, hospital, social service, or law enforcement personnel, whether or not formal civil or criminal action is taken; and

(3) provide assurances that procedures will be developed to guarantee the confidentiality of records pertaining to any individual for whom data are compiled through this subsection.

(Pub. L. 98-457, title III, §313, as added Pub. L. 100-294, title III, §303(c), Apr. 25, 1988, 102 Stat. 125; amended Pub. L. 102-295, title III, §319, May 28, 1992, 106 Stat. 209.)

AMENDMENTS

1992—Par. (1). Pub. L. 102-295 substituted “develop data on the number of victims of family violence and their dependents who are homeless or institutionalized as a result of the violence and abuse they have experienced” for “characteristics relating to family violence”.

§ 10414. Grants for public information campaigns

(a) In general

The Secretary may make grants to public or private nonprofit entities to provide public information campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence.

(b) Application

No grant, contract, or cooperative agreement shall be made or entered into under this section unless an application that meets the requirements of subsection (c) of this section has been approved by the Secretary.

(c) Requirements

An application submitted under subsection (b) of this section shall—

(1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register, including a description of how the proposed public information campaign will target the population at risk, including pregnant women;

(2) include a complete description of the plan of the application for the development of a public information campaign;

(3) identify the specific audiences that will be educated, including communities and groups with the highest prevalence of domestic violence;

(4) identify the media to be used in the campaign and the geographic distribution of the campaign;

(5) describe plans to test market a development plan with a relevant population group and in a relevant geographic area and give assurance that effectiveness criteria will be implemented prior to the completion of the final plan that will include an evaluation component to measure the overall effectiveness of the campaign;

(6) describe the kind, amount, distribution, and timing of informational messages and such other information as the Secretary may require, with assurances that media organizations and other groups with which such messages are placed will not lower the current frequency of public service announcements; and

(7) contain such other information as the Secretary may require.

(d) Use

A grant, contract, or agreement made or entered into under this section shall be used for the development of a public information campaign that may include public service announcements, paid educational messages for print media, public transit advertising, electronic broadcast media, and any other mode of conveying information that the Secretary determines to be appropriate.

(e) Criteria

The criteria for awarding grants shall ensure that an applicant—

(1) will conduct activities that educate communities and groups at greatest risk;

(2) has a record of high quality campaigns of a comparable type; and

(3) has a record of high quality campaigns that educate the population groups identified as most at risk.

(f) Inclusion of representatives of Indians

For purposes of this section, the term “public or private nonprofit entity” includes an “Indian tribe” or “tribal organization”, as defined in section 450b of title 25.

(Pub. L. 98-457, title III, §314, as added Pub. L. 102-295, title III, §320, May 28, 1992, 106 Stat. 209.)

FEDERAL EMPLOYEE DOMESTIC VIOLENCE AWARENESS
CAMPAIGN

Memorandum of President of the United States, Oct. 2, 1995, 60 F.R. 52821, provided:

Memorandum for Heads of Executive Departments and Agencies

Domestic violence is not a private, family dispute that affects only the people involved. Domestic violence is violent criminal activity that affects us all, regardless of race, income, or age, in every community in this country. It means higher health care costs, increased absenteeism, and declining productivity. It destroys families, relationships, and lives. More importantly, it tears at the moral fabric of who we are and undermines the very institution that has been the cornerstone of our country: the family.

In passing the Violence Against Women Act [probably means the Violence Against Women Act of 1994, title IV of Pub. L. 103-322, see Tables for classification] as part of the Violent Crime Control Act ("VCCA") [probably means the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103-322, see Tables for classification] last year, the Congress recognized the seriousness of the problem of domestic violence. This new law combines tough new penalties with programs to prosecute offenders and help women victims. In the last year, every State has received a down payment of \$426,000 in grants to help train prosecutors, police, and service providers in combatting the problem of domestic violence. Moreover, because of the VCCA, every State will now ensure that women who have been assaulted will not have to pay for their medical examinations resulting from rape and other acts of violence.

Throughout October, National Domestic Violence Awareness Month, business, labor, law enforcement, public health, and civic organizations will be working to increase our understanding of this problem and create solutions that can save lives. I believe the Federal Government has a responsibility to be a leader in this effort.

Today, I am directing that executive departments and agencies institute employee awareness campaigns on domestic violence. Within the next 6 months, you should implement a program to promote Federal employee awareness of the problem of domestic violence and the programs and resources that are available for victims. I support and encourage the initial plans made by the Justice Department, which include the production of a resource manual and a poster, and the scheduling of a Violence Against Women Information Fair on October 30, 1995. This fair will include speakers, artwork, and exhibits.

We have a responsibility to assist all victims of domestic violence and their families trapped in a cycle of violence with no sense of where to turn. Often, victims will not report their circumstances to the public, but they may turn to coworkers for help. Thus, by providing information to all Federal workers on the programs available, we can make a contribution to the effort to protect women from abuse and reduce the level of violence in America.

The Director of the Office Management and Budget is authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10412 of this title.

§ 10415. Model State leadership grants for domestic violence intervention

(a) In general

The Secretary, in cooperation with the Attorney General, shall award grants to not more

than 10 States to assist such States in becoming model demonstration States and in meeting the costs of improving State leadership concerning activities that will—

- (1) increase the number of prosecutions for domestic violence crimes;
- (2) encourage the reporting of incidences of domestic violence; and
- (3) facilitate "arrests and aggressive" prosecution policies.

(b) Designation as model State

To be designated as a model State under subsection (a) of this section, a State shall have in effect—

- (1) a law that requires mandatory arrest of a person that police have probable cause to believe has committed an act of domestic violence or probable cause to believe has violated an outstanding civil protection order;

- (2) a law or policy that discourages "dual" arrests;

- (3) statewide prosecution policies that—

- (A) authorize and encourage prosecutors to pursue cases where a criminal case can be proved, including proceeding without the active involvement of the victim if necessary; and

- (B) implement model projects that include either—

- (i) a "no-drop" prosecution policy; or
- (ii) a vertical prosecution policy; and

- (C) limit diversion to extraordinary cases, and then only after an admission before a judicial officer has been entered;

- (4) statewide guidelines for judges that—

- (A) reduce the automatic issuance of mutual restraining or protective orders in cases where only one spouse has sought a restraining or protective order;

- (B) discourage custody or joint custody orders by spouse abusers; and

- (C) encourage the understanding of domestic violence as a serious criminal offense and not a trivial dispute; and

- (5) develop and disseminate methods to improve the criminal justice system's response to domestic violence to make existing remedies as easily available as possible to victims of domestic violence, including reducing delay, eliminating court fees, and providing easily understandable court forms.

(c) Authorization of appropriations

(1) In general

In addition to the funds authorized to be appropriated under section 10409 of this title, there are authorized to be appropriated to make grants under this section \$25,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

(2) Limitation

A grant may not be made under this section in an amount less than \$2,000,000.

(3) Delegation and transfer

The Secretary shall delegate to the Attorney General the Secretary's responsibilities for carrying out this section and shall transfer

to the Attorney General the funds appropriated under this section for the purpose of making grants under this section.

(Pub. L. 98-457, title III, §315, as added Pub. L. 102-295, title III, §321, May 28, 1992, 106 Stat. 210.)

§ 10416. National domestic violence hotline grant

(a) In general

The Secretary may award a grant to a private, nonprofit entity to provide for the operation of a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence.

(b) Duration

A grant under this section may extend over a period of not more than 5 years.

(c) Annual approval

The provision of payments under a grant under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

(d) Activities

Funds received by an entity under this section shall be used to establish and operate a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence. In establishing and operating the hotline, a private, nonprofit entity shall—

- (1) contract with a carrier for the use of a toll-free telephone line;
- (2) employ, train, and supervise personnel to answer incoming calls and provide counseling and referral services to callers on a 24-hour-a-day basis;
- (3) assemble and maintain a current database of information relating to services for victims of domestic violence to which callers may be referred throughout the United States, including information on the availability of shelters that serve battered women; and
- (4) publicize the hotline to potential users throughout the United States.

(e) Application

A grant may not be made under this section unless an application for such grant has been approved by the Secretary. To be approved by the Secretary under this subsection an application shall—

- (1) contain such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register;
- (2) include a complete description of the applicant's plan for the operation of a national domestic violence hotline, including descriptions of—
 - (A) the training program for hotline personnel;
 - (B) the hiring criteria for hotline personnel;
 - (C) the methods for the creation, maintenance and updating of a resource database;
 - (D) a plan for publicizing the availability of the hotline;
 - (E) a plan for providing service to non-English speaking callers, including hotline personnel who speak Spanish; and

(F) a plan for facilitating access to the hotline by persons with hearing impairments;

(3) demonstrate that the applicant has nationally recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence, including a demonstration of support from advocacy groups, such as domestic violence State coalitions or recognized national domestic violence groups;

(4) demonstrates that the applicant has a commitment to diversity, and to the provision of services to ethnic, racial, and non-English speaking minorities, in addition to older individuals and individuals with disabilities; and

(5) contain such other information as the Secretary may require.

(f) Authorization of appropriations

(1) In general

There are authorized to be appropriated to carry out this section—

- (A) \$1,000,000 for fiscal year 1995;
- (B) \$400,000 for fiscal year 1996;
- (C) \$400,000 for fiscal year 1997;
- (D) \$400,000 for fiscal year 1998;
- (E) \$400,000 for fiscal year 1999; and
- (F) \$400,000 for fiscal year 2000.

(2) Availability

Funds authorized to be appropriated under paragraph (1) shall remain available until expended.

(Pub. L. 98-457, title III, §316, as added Pub. L. 103-322, title IV, §40211, Sept. 13, 1994, 108 Stat. 1925.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14214 of this title.

§ 10417. Youth education and domestic violence

(a) General purpose

For purposes of this section, the Secretary may, in consultation with the Secretary of Education, select, implement and evaluate 4 model programs for education of young people about domestic violence and violence among intimate partners.

(b) Nature of program

The Secretary shall select, implement and evaluate separate model programs for 4 different audiences: primary schools, middle schools, secondary schools, and institutions of higher education. The model programs shall be selected, implemented, and evaluated in consultation with educational experts, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters, State coalitions and resource centers.

(c) Review and dissemination

Not later than 2 years after September 13, 1994, the Secretary shall transmit the design and evaluation of the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

(d) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$400,000 for fiscal year 1996.

(Pub. L. 98-457, title III, §317, as added Pub. L. 103-322, title IV, §40251, Sept. 13, 1994, 108 Stat. 1935.)

PRIOR PROVISIONS

Provisions similar to this section were contained in Pub. L. 102-295, title III, §322, May 28, 1992, 106 Stat. 211, which directed Secretary of Education, in consultation with Secretary of Health and Human Services, to develop three separate programs, one each for primary and middle schools, secondary schools, and institutions of higher learning, for the purpose of educating young people about domestic violence and violence among intimate partners, further provided that such programs would be developed with input from educational experts, law enforcement personnel, legal and psychological experts on battering, and victim advocate organizations, further provided that not later than 9 months after May 28, 1992, the Secretary was to transmit model programs, along with plan and cost estimate for nationwide distribution, to Congress for review, and further provided appropriation of \$200,000 for fiscal year 1992, to carry out these functions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14214 of this title.

§ 10418. Demonstration grants for community initiatives**(a) In general**

The Secretary shall provide grants to nonprofit private organizations to establish projects in local communities involving many sectors of each community to coordinate intervention and prevention of domestic violence.

(b) Eligibility

To be eligible for a grant under this section, an entity—

- (1) shall be a nonprofit organization organized for the purpose of coordinating community projects for the intervention in and prevention of domestic violence; and
- (2) shall include representatives of pertinent sectors of the local community, which may include—
 - (A) health care providers;
 - (B) the education community;
 - (C) the religious community;
 - (D) the justice system;
 - (E) domestic violence program advocates;
 - (F) human service entities such as State child services divisions;
 - (G) business and civic leaders; and
 - (H) other pertinent sectors.

(c) Applications

An organization that desires to receive a grant under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall prescribe through notice in the Federal Register, that—

- (1) demonstrates that the applicant will serve a community leadership function, bringing together opinion leaders from each sector of the community to develop a coordinated community consensus opposing domestic violence;

(2) demonstrates a community action component to improve and expand current intervention and prevention strategies through increased communication and coordination among all affected sectors;

(3) includes a complete description of the applicant's plan for the establishment and operation of the community project, including a description of—

(A) the method for identification and selection of an administrative committee made up of persons knowledgeable in domestic violence to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

(B) the method for identification and selection of project staff and a project evaluator;

(C) the method for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (b)(2) of this section;

(D) the method for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council focusing on each of the sectors; and

(E) a plan for developing outreach and public education campaigns regarding domestic violence; and

(4) contains such other information, agreements, and assurances as the Secretary may require.

(d) Term

A grant provided under this section may extend over a period of not more than 3 fiscal years.

(e) Conditions on payment

Payments under a grant under this section shall be subject to—

- (1) annual approval by the Secretary; and
- (2) availability of appropriations.

(f) Geographical dispersion

The Secretary shall award grants under this section to organizations in communities geographically dispersed throughout the country.

(g) Use of grant monies**(1) In general**

A grant made under subsection (a) of this section shall be used to establish and operate a community project to coordinate intervention and prevention of domestic violence.

(2) Requirements

In establishing and operating a project, a nonprofit private organization shall—

(A) establish protocols to improve and expand domestic violence intervention and prevention strategies among all affected sectors;

(B) develop action plans to direct responses within each community sector that are in conjunction with development in all other sectors; and

(C) provide for periodic evaluation of the project with a written report and analysis to assist application of this concept in other communities.

(h) Authorization of appropriations

There are authorized to be appropriated to carry out this section—

- (1) \$4,000,000 for fiscal year 1996; and
- (2) \$6,000,000 for fiscal year 1997.

(i) Regulations

Not later than 60 days after September 13, 1994, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after September 13, 1994, the Secretary shall publish final regulations implementing this section.

(Pub. L. 98-457, title III, §318, as added Pub. L. 103-322, title IV, §40261, Sept. 13, 1994, 108 Stat. 1935.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14214 of this title.

CHAPTER 111—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

Sec.

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§ 10501. Application for assistance**(a) State as applicant**

In the event that a law enforcement emergency exists throughout a State or a part of a State, a State (on behalf of itself or another appropriate unit of government) may submit an application under this section for Federal law enforcement assistance.

(b) Execution of application; period for action of Attorney General on application

An application for assistance under this section shall be submitted in writing by the chief executive officer of a State to the Attorney General, in a form prescribed by rules issued by the Attorney General. The Attorney General shall,

after consultation with the Director of the Office of Justice Assistance and appropriate members of the Federal law enforcement community, approve or disapprove such application not later than 10 days after receiving such application.

(c) Criteria

Federal law enforcement assistance may be provided if such assistance is necessary to provide an adequate response to a law enforcement emergency. In determining whether to approve or disapprove an application for assistance under this section, the Attorney General shall consider—

- (1) the nature and extent of such emergency throughout a State or in any part of a State,
- (2) the situation or extraordinary circumstances which produced such emergency,
- (3) the availability of State and local criminal justice resources to resolve the problem,
- (4) the cost associated with the increased Federal presence,
- (5) the need to avoid unnecessary Federal involvement and intervention in matters primarily of State and local concern, and
- (6) any assistance which the State or other appropriate unit of government has received, or could receive, under any provision of title I of the Omnibus Crime Control and Safe Streets Act of 1968 [42 U.S.C. 3701 et seq.].

(Pub. L. 98-473, title II, §609M, Oct. 12, 1984, 98 Stat. 2103.)

REFERENCES IN TEXT

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (c)(6), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197, as amended, title I of which is classified principally to chapter 46 (§3701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of this title and Tables.

EFFECTIVE DATE

Chapter effective Oct. 12, 1984, see section 609AA(a) of Pub. L. 98-473, set out as a note under section 3711 of this title.

§ 10502. Definitions

For purposes of this chapter—

(1) the term “Federal law enforcement assistance” means funds, equipment, training, intelligence information, and personnel,

(2) the term “Federal law enforcement community” means the heads of the following departments or agencies:

- (A) the Federal Bureau of Investigation,
- (B) the Drug Enforcement Administration,
- (C) the Criminal Division of the Department of Justice,
- (D) the Internal Revenue Service,
- (E) the Customs Service,
- (F) the Immigration and Naturalization Service,
- (G) the United States Marshals Service,
- (H) the National Park Service,
- (I) the United States Postal Service,
- (J) the Secret Service,
- (K) the Coast Guard,
- (L) the Bureau of Alcohol, Tobacco, and Firearms, and
- (M) other Federal agencies with specific statutory authority to investigate violations of Federal criminal laws,